

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MOTOROLA SOLUTIONS, INC.,) Docket No. 17 CV 1972
)
Plaintiff,)
) Chicago, Illinois
vs.) March 5, 2019
) 9:45 o'clock a.m.
HYTERA COMMUNICATIONS)
CORPORATION, LTD., et al.,)
)
Defendants.)

TRANSCRIPT OF PROCEEDINGS - Motion
BEFORE THE HONORABLE JOHN ROBERT BLAKEY

APPEARANCES:

For the Plaintiff: KIRKLAND & ELLIS
BY: MR. MICHAEL W. DeVRIES
333 South Hope Street
Los Angeles, California 90071

KIRKLAND & ELLIS
BY: MR. AKSHAY S. DEORAS
555 California Street
San Francisco, California 94104

For the Defendants: CALFEE HALTER & GRISWOLD LLP
BY: MR. JOHN S. CIPOLLA
1405 East Sixth Street
Cleveland, Ohio 44114

STEPTOE & JOHNSON LLP
BY: MR. DANIEL S. STRINGFIELD
115 South LaSalle Street
Suite 3100
Chicago, Illinois 60603

LAURA LACIEN, CSR, RMR, FCRR, CRR
Official Court Reporter
219 South Dearborn Street, Suite 1212
Chicago, Illinois 60604
(312) 408-5032

1 (The following proceedings were had in open court:)

2 COURTROOM DEPUTY: 17 C 1972, Motorola Solutions
3 versus Hytera Communications Corp.

4 THE COURT: Good morning, counsel. Appearances.

5 MR. DeVRIES: Good morning, your Honor. Mike
6 DeVries and Akshay Deoras on behalf of the plaintiff Motorola
7 Solutions.

8 MR. STRINGFIELD: Good morning, your Honor. Daniel
9 Stringfield and John Cipolla on behalf of defendant for
10 Hytera, or the Hytera defendants.

11 MR. CIPOLLA: Good morning, your Honor. John
12 Cipolla on behalf of the Hytera-entity defendants.

13 THE COURT: Have you had an opportunity to take a
14 look at the motion to dismiss or, in the alternative, to
15 transfer?

16 MR. DeVRIES: Yes. We have, your Honor.

17 THE COURT: Do you want to file a response or what's
18 your pleasure?

19 MR. DeVRIES: Your Honor, we are familiar with your
20 rules concerning motion to dismiss -- motions to dismiss,
21 rather. We intend to file an amended pleading. The deadline
22 for doing so is March 15th and we don't need an extension of
23 that time. The motion was filed without any meet and confer.
24 You'll recall that we were before your Honor about a month
25 ago. The parties submitted a proposed schedule on February

1 11th. This wasn't mentioned before but now that we have it,
2 we intend to amend our complaint consistent with your Honor's
3 rules.

4 THE COURT: All right. The motion to dismiss or
5 transfer, Docket Entry 69, is going to be denied without
6 prejudice in light of the amended complaint which will be
7 filed, Gloria, on or before March 15th. I'm going to set the
8 case for a case management conference about a week after
9 that. And then at that time, I will want to know from the
10 defendants whether or not they intend to renew their motion
11 and have the parties discuss in advance potential case
12 management dates and/or stay or whatever your pleasure is
13 based on what's contained in the amended complaint.

14 MR. DeVRIES: Your Honor, may I make a request?

15 THE COURT: Let me get the date first and then you
16 can.

17 MR. DeVRIES: I'm sorry.

18 COURTROOM DEPUTY: Wednesday, March 20th at 10:15.

19 THE COURT: Is that good for the parties for case
20 management conference?

21 MR. DeVRIES: Your Honor, there's another litigation
22 in front of -- that is before Judge Norgle between the same
23 exact parties. I have a hearing before Judge Cole that
24 morning. It may be done by 10:15 but sometimes those
25 hearings go long. Would it be okay --

1 THE COURT: I'll give you a different date. Gloria,
2 give me a different date.

3 COURTROOM DEPUTY: Thursday, March 21st at 10:15.

4 THE COURT: How is that?

5 MR. DeVRIES: Perfect, your Honor. Thank you.

6 MR. CIPOLLA: Your Honor, I actually have a
7 scheduled vacation. I'm flying back on the 21st from Arizona
8 to Cleveland so that won't work.

9 THE COURT: Okay. Well, that's important. Hang on
10 a second. Gloria, give me a new date.

11 COURTROOM DEPUTY: Tuesday, March 26th at 10:15.

12 THE COURT: How is that?

13 MR. DeVRIES: Yes, your Honor.

14 MR. CIPOLLA: That works, your Honor.

15 THE COURT: All right. Anything else I can help you
16 with today?

17 MR. DeVRIES: Yes, your Honor. So the parties
18 actually submitted on February the 11th, it was Docket 68 --

19 THE COURT: Yeah. I saw all the proposed dates.

20 MR. DeVRIES: -- the proposed schedule and that was
21 consistent with your Honor -- with the last conference before
22 your Honor. The parties have agreed to the -- to that
23 schedule. We've been operating under it. For example,
24 Motorola provided its initial infringement contentions on
25 February the 28th. Also, pursuant to the proposed schedule

1 last -- on March the 1st, we filed the 26(f) report. Venue
2 is absolutely proper in this district. We don't think that
3 the motion to dismiss will be refiled and we would ask your
4 Honor to please enter that schedule so we may continue on the
5 agreed schedule.

6 THE COURT: What's your position, counsel?

7 MR. CIPOLLA: Your Honor, we believe that there's no
8 amendment that can secure venue in this district whatsoever.
9 We believe the case should be transferred to Florida. We
10 offered to do that to try to speed up these proceedings. We
11 believe that the case dates that were submitted should be
12 reconsidered after the decision on the motion to dismiss and
13 how -- and the new amendment that they propose to file which
14 I believe will fail in securing venue in this court.

15 THE COURT: All right. I'll take up the case
16 management dates on the 26th. We'll figure out -- we'll see
17 what the amended complaint looks like, get an idea from you
18 whether or not you move to dismiss or transfer again. That
19 way, I can figure out how long it's going to take me to
20 address whatever motion you file and have that reflected in
21 the case management dates. The parties -- there's no stay,
22 though, so you can keep proceeding with the case. You just
23 don't have deadlines from me yet. Okay?

24 MR. DeVRIES: Thank you, your Honor.

25 THE COURT: All right. Thank you, counsel.

1 MR. STRINGFIELD: Thank you, your Honor.

2 MR. CIPOLLA: Thank you, your Honor.

3 (Which concluded the proceedings in the above-entitled
4 matter.)

5 C E R T I F I C A T E

6 I hereby certify that the foregoing is a transcript
7 of proceedings before the Honorable John Robert Blakey on
8 March 5, 2019.

9

10 /s/Laura LaCien

11 Laura LaCien
12 Official Court Reporter

March 6, 2019
Date

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